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10 PLANT CONSTRUCTION COMPANY, L.P.

11 UNITED STATES BANKRUPTCY COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 In re
15 PG&E CORPORATION
16 and
17 PACIFIC GAS AND ELECTRIC
18 COMPANY
19 Debtors.

Case No. 19-30088 DM (Lead Case)
(Jointly Administered with Case No.
19-30089 DM)
Chapter 11

**NOTICE OF CONTINUED
PERFECTION OF MECHANICS LIEN
PURSUANT TO 11 U.S.C. § 546(b)(2)**

- 20 ☐ Affects PG&E Corporation
21 ☐ Affects Pacific Gas and Electric
22 Company
23 ☒ Affects both Debtors.

[San Francisco County, Doc. No.
2019K723681]

24 * All papers shall be filed in the Lead
25 Case No. 19-30088 DM.

26 Plant Construction Company, L.P. ("Plant Construction"), by and through its
27 undersigned counsel, hereby gives notice of continued perfection of its mechanics lien under
28 11 U.S.C. § 546(b)(2), as follows:

1 1. Plant Construction is a limited partnership that has provided and delivered
2 labor, services, equipment, and materials for the construction and improvement of projects
3 on real property located in the County of San Francisco, State of California, and more
4 particularly described as Larkin Street Switchgear Building, 538 Eddy Street, San Francisco,
5 California 94109, APN 0335037 (the “Property”), which Property is owned by PG&E
6 Corporation and/or Pacific Gas and Electric Company (collectively, the “Debtors”).

7 2. Through January 29, 2019 (the “Petition Date”), the amount owing to Plant
8 Construction is at least \$2,203,758.03, exclusive of accruing interest and other charges, with
9 additional amounts owed and accrued after the Petition Date.

10 3. On January 23, 2019, before the Petition Date, Plant Construction properly
11 perfected its mechanics lien under California Civil Code §§ 8400, *et seq.* by timely recording
12 its Claim of Mechanics Lien in the Official Records of San Francisco County, State of
13 California, as more fully described in its Claim of Mechanics Lien, a true copy of which is
14 attached hereto as Exhibit A.

15 4. Pursuant to California Civil Code § 8460, an action to enforce a lien must be
16 commenced within 90 days after recordation of the claim of lien. However, due to the
17 automatic stay set forth in 11 U.S.C. § 362, Plant Construction is precluded from filing a
18 state court action to enforce its mechanics lien. 11 U.S.C. § 546(b)(2) provides that when
19 applicable law requires seizure of property or commencement of an action to perfect,
20 maintain, or continue the perfection of an interest in property, and the property has not been
21 seized or an action has not been commenced before the bankruptcy petition date, then the
22 claimant shall instead give notice within the time fixed by law for seizing the property or
23 commencing an action. (See 11 U.S.C. § 546(b)(2); see also In re Baldwin Builders (Village
24 Nurseries v. Gould), 232 B.R. 406, 410-411 (9th Cir. 1999); Village Nurseries v. Greenbaum,
25 101 Cal.App.4th 26, 41 (Cal. Ct. App. 2002).)

26 5. Accordingly, Plant Construction hereby provides notice of its rights as a
27 perfected lienholder in the Property pursuant to California’s mechanics lien law. Plant
28 Construction is filing and serving this notice to preserve, perfect, maintain, and continue the

1 perfection of its lien and its rights in the Property to comply with the requirements of
2 California state law, 11 U.S.C. §§ 362(a), 362(b)(3), and 546(b)(2), and any other applicable
3 law. This notice constitutes the legal equivalent of having recorded a mechanics lien in the
4 recorder's office for the county where the Property is located and then having commenced
5 an action to foreclose the lien in the proper court. By this notice, the Debtors and other
6 parties in interest are estopped from claiming that the lawsuit to enforce Plant Construction's
7 mechanics lien was not timely commenced pursuant to applicable state law. Plant
8 Construction intends to enforce its lien rights to the fullest extent permitted by applicable
9 law. The interests perfected, maintained, or continued by 11 U.S.C. § 546(b)(2) extend in
10 and to the proceeds, products, offspring, rents, or profits of the Property.

11 6. The filing of this notice shall not be construed as an admission that such filing
12 is required under the Bankruptcy Code, the California mechanics lien law, or any other
13 applicable law. In addition, Plant Construction does not make any admission of fact or law,
14 and Plant Construction asserts that its lien is senior to and effective against entities that may
15 have acquired rights or interests in the Property previously.

16 7. The filing of this notice shall not be deemed to be a waiver of Plant
17 Construction's right to seek relief from the automatic stay to foreclose its mechanics lien
18 and/or a waiver of any other rights or defenses.

19 8. Plant Construction reserves all rights, including the right to amend or
20 supplement this notice.

21
22 Dated: February 27, 2019

RUTAN & TUCKER, LLP
JOHN L. ANTRACOLI
ROGER F. FRIEDMAN

23
24 By: /s/ Roger F. Friedman
25 Roger F. Friedman
26 Attorneys for Creditor
27 PLANT CONSTRUCTION COMPANY,
28 L.P.

EXHIBIT A

Recording requested by (name):
Plant Construction Company, L.P.

When recorded, mail to (name and address):
Dennis Bhachu

Plant Construction Company, L.P.

300 Newhall Street

San Francisco, CA 94124

UNFORMED COPY of document recorded

01/23/2019, 2019K723681
document
01/23/2019, 2019K723681

Recorder's Use Only

CLAIM OF MECHANICS LIEN

(Cal. Civ. Code § 8416)

Declaration of Exemption From Gov't Code § 27388.1 Fee

- ☐ Transfer is exempt from fee per GC § 27388.1(a)(2):
☐ recorded concurrently "in connection with" transfer subject to DTT
☐ recorded concurrently "in connection with" a transfer of residential dwelling to an owner-occupier
☐ Transfer is exempt from fee per GC 27388.1(a)(1):
☐ Fee cap of \$225.00 reached ☐ Not related to real property

1. Plant Construction Company, L.P. ("claimant") claims a mechanics lien for the labor or services or equipment or materials described in paragraph 2, furnished for a work of improvement on that certain real property located in the County of San Francisco, State of California, and more particularly described as (address and/or sufficient description): Larkin Street Switchgear Building ADN: 0335037
538 Eddy Street, San Francisco, CA 94109

2. After deducting all just credits and offsets, the sum of \$2,203,758.03, together with interest at the rate of 10% per annum from December 31, 2018 (date when balance became due), is due claimant for the following labor, materials, services, or equipment: Labor, materials, services and equipment provided as the general contractor for upgrades and new construction at the Larkin Street Switchgear Buildings.

3. Claimant furnished the labor or services or equipment or materials, at the request of Pacific Gas & Electric Company (employer, person, or entity to whom labor, materials, services, or equipment were furnished).

4. The name and address of the owner or reputed owner of the real property is/are: Pacific Gas & Electric Company, 77 Beale Street, 24th Floor, San Francisco, CA 94105

5. Claimant's address is: 300 Newhall Street, San Francisco, CA 94124

Dated 1/23/19


(Signature)

VERIFICATION

I, Dennis Bhachu, am the: Chief Financial Officer ("owner," "president," "authorized agent," "partner," etc.) of claimant on the foregoing claim of mechanics lien, and am authorized to make this verification for and on its behalf. I have read the foregoing claim of mechanics lien and know the contents of the claim of mechanics lien to be true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated January 23, 2019


(Signature)